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United States District Court
Eastern District of Washington
(Honorable Wm. Fremming Nielsen)

No. 2:96-CR-00259-WFN

Motion for Compassionate Release and Reduction of Sentence

Spokane-Without Argument

April 21, 2021 – 6:30p.m.

I. Motion

15 Robert Sherman Berry, through counsel, Walter L. Ayers, respectfully moves
16 this Court for Compassionate release pursuant to 18 U.S.C. §3582(c)(1)(A).

17 This motion is made and based upon all previous filings related to
18
19 compassionate release including the following: ECF 522 Motion Seeking an
20 Indicative Ruling for Compassionate Release, ECF 523 Declaration of Walter L.
21 Ayers and its attachments, ECF 524 Sealed Medical Records, ECF 527 Opposition
22 to Government's Motion for Extension of Time to File Response to Defendant's
23 Motion Seeking an Indicative Ruling for Compassionate Release, ECF 528
24
25 Declaration of Walter L. Ayers, ECF 529 Sealed Medical Records, ECF 532 Reply
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27 RE: Motion Seeking an Indicative Ruling for Compassionate Release with

1 Declaration of Walter L. Ayers and attachments, ECF 533 Indicative Order Re:
2 Motion for Compassionate Release, ECF 534 Supplemental Briefing RE: Order on
3 Motion for Indicative Ruling for Compassionate Release, ECF 535 Modified Order
4 Re: Motion for Compassionate Release, ECF 536 Notice of to Court that the Ninth
5 Circuit Has Granted the Motion to Remand, and ECF 537 Order Remanding Case.
6 These filings are hereby incorporated by this reference and are in support of this
7 motion for compassionate release.

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10 The Government's previously stated opposition and briefings to this motion
11 are in ECF 525 United States' Motion for Extension of Time to File Response to
12 Defendant's Motion Seeking an Indicative Ruling for Compassionate Release, ECF
13 526 Motion to Expedite, ECF 531 United States' Response to Defendant's Motion
14 Seeking an Indicative Ruling for Compassionate Release.

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17 **II. Conclusion**

18 Based upon the above information and the filings previously entered before
19 the Court regarding Compassionate Release, the Court should grant the motion.

20 Dated this 21st day of April 2021 Respectfully Submitted,

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23 s/Walter L. Ayers
24 WSBA # 19707
25 Attorney for Robert Sherman Berry
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CERTIFICATE OF SERVICE

I, WALTER L. AYERS, hereby certify that on April 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Assistant United States Attorney Joseph Harrington.

s/Walter L. Ayers
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